



POWER OF ATTORNEY

# 8  
N

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Application of: Bee *et al.*

APR 03 2002

Application No.: 09/880,732

Group Art Unit: 1641

TECH CENTER 1600/2900

Filed: June 12, 2001

Examiner: To be Assigned

For: Assay For Genetic Polymorphisms  
Using Scattered Light Detectable Labels

Attorney Docket No.: 11032-017 (formerly  
089498-0402)

**REVOCATION AND POWER OF ATTORNEY BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. 3.73(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Genicon Sciences Corporation, organized and existing under the laws of the state of California and having a place of business at 11585 Sorrento Valley Road, San Diego, CA 92121 is assignee of record of the entire right, title and interest in the above-identified application.

Ownership of the entire right, title, and interest in the above-identified application by Genicon Sciences Corporation is established by an assignment recorded in the United States Patent and Trademark Office ("USPTO") on July 27, 2001 at Reel 012022, Frame 0792.

Pursuant to 37 C.F.R. 3.73(b), Genicon Sciences Corporation, hereby seeks to take action in the USPTO in this matter.

The undersigned has reviewed all the documents in the title of the patent application identified above and, to the best of undersigned's knowledge and belief, title to the entire interest is in Genicon Sciences Corporation.

The undersigned, whose title is supplied below, is empowered to sign this document on behalf of Genicon Sciences Corporation.

The undersigned assignee hereby revokes all powers of attorney previously given for the above-identified application.

The undersigned assignee hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No.

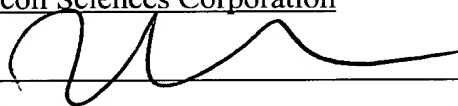
## POWER OF ATTORNEY

22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Alan Tenenbaum (Reg. No. 34939), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), William J. Sipio (Reg. No. 34514), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20583), as its attorneys to prosecute this application and to transact all business in the USPTO connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

POWER OF ATTORNEY

Please direct all correspondence for this application to Pennie & Edmonds LLP, customer no. 20583, located at 1155 Avenue of the Americas, New York, N.Y. 10036-2711, and direct all telephone calls to Pennie & Edmonds LLP at (212) 790-9090.

ASSIGNEE: Genicon Sciences Corporation

Signature: 

Typed Name: Patrick J. Mallon

Position/Title: President and Chief Executive Officer

Address: 11585 Sorrento Valley Road  
San Diego, CA 92121

Date: 3/2/02

00513405



# State of California

SECRETARY OF STATE

RECEIVED

APR 03 2002

TECH CENTER 1600/2900



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this



*Bill Jones*

Secretary of State



R0513405

ENDORSED  
FILEDIn the office of the Secretary of State  
of the State of CaliforniaAMENDED AND RESTATED  
ARTICLES OF INCORPORATION

AUG 31 1998

OF  
SPECTRAMETRIX  
BILL JONES, Secretary of State

Patrick Mallon and T. Knox Bell certify that:

1. They are the president and assistant secretary, respectively, of Spectrametrix, a California corporation.
2. The articles of incorporation of this corporation shall be amended and restated in their entirety to read as follows:

## ARTICLE I

NAME

The name of the Corporation is GENiCON Sciences Corporation.

## ARTICLE II

PURPOSES

The purpose of the Corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

## ARTICLE III

STOCK

1. Authorized Shares. The Corporation is authorized to issue two classes of shares to be designated "Common Stock", having no par value, and "Preferred Stock", having no par value. The total number of shares of stock which the Corporation is authorized to issue is Thirty Million (30,000,000), consisting of: (1) Twenty Million (20,000,000) shares of Common Stock; and (2) Ten Million (10,000,000) shares of Preferred Stock.

2. Designation of Series of Preferred Stock. The Preferred Stock may be issued from time to time in one or more series. The Board of Directors is authorized, subject to any limitations prescribed by law, to provide for the issuance of Preferred Stock in series, and by

TECH CENTER 1600/2900

APR 03 2002

RECEIVED